IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA:

CWP.No.834/2002

Date of Decision :25.4.2007.

Bakshish Singh. …Petitioner.

Versus:

Union of India and another. …Respondents.

Coram:

The Hon'ble Mr.Justice Sanjay Karol, Judge.

Whether approved for reporting?[1]

For the petitioner: Mr.R.P.Singh, Advocate.

For Respondents. Mr.Sandeep Sharma, Assistant Solicitor General of India.

Sanjay Karol, J (Oral).

The petitioner was enrolled in the Indian Army as a Recruit on 11th April, 1994 and after completion of his training, he was posted in his Unit on 21st August, 1995. During the service, he was issued a show cause notice dated 15th March, 1999 (Annexure:PB). In response thereto he made a request dated 19th March, 1999 (Annexure:R1/A) seeking discharge from the army service. The petitioner was subsequently discharged from the Army service w.e.f. 7.4.1999.

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[1] **Whether reporters of Local Papers may be allowed to see the judgment?**

By means of this present writ petition, the petitioner has assailed the show cause notice as also the order of discharge.

Admittedly, while in service, the petitioner has been given five red ink entries for his mis-conduct on various dates. A perusal of the show cause notice itself shows that he has been punished for (i) over staying his leave granted (ii) using criminal force to his Superior Officer; (iii) intoxication etc.

The request for discharge by the petitioner was voluntarily and without any force, coercion or undue pressure. The orders passed by the respondents are in accordance with the rules and law. Nothing has been brought to my notice to show that any of the rules have been violated while taking action against the petitioner. In this view of the matter, I see no reason to interfere with the orders passed by the respondents. The writ petition is accordingly dismissed with no order as to costs.

(Sanjay Karol),
Judge.

April 25, 2007(R)